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FILED  
 Clerk  
 District Court

APR - 5 2007

For The Northern Mariana Islands  
 By \_\_\_\_\_  
 (Deputy Clerk)

Attorneys for the Commonwealth of the  
 Northern Mariana Islands Defendants

**THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

|                           |   |                                |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, | ) | CIVIL ACTION NO. CV 99-0017    |
|                           | ) |                                |
| Plaintiff,                | ) |                                |
|                           | ) |                                |
| v.                        | ) | <b>QUARTERLY STATUS REPORT</b> |
|                           | ) | <b>FOR THE PERIOD ENDING</b>   |
| COMMONWEALTH OF THE       | ) | <b>April 1, 2007</b>           |
| NORTHERN MARIANA ISLANDS, | ) |                                |
| GOVERNOR OF THE NORTHERN  | ) |                                |
| MARIANA ISLANDS,          | ) |                                |
| COMMISSIONER OF THE       | ) |                                |
| DEPARTMENT OF PUBLIC      | ) |                                |
| SAFETY, SECRETARY OF THE  | ) |                                |
| DEPARTMENT OF LABOR AND   | ) |                                |
| IMMIGRATION, SECRETARY OF | ) |                                |
| THE DEPARTMENT OF         | ) |                                |
| COMMUNITY AND CULTURAL    | ) |                                |
| AFFAIRS,                  | ) |                                |
|                           | ) |                                |
| Defendants.               | ) |                                |
|                           | ) |                                |

**Background**

[1] The Consent Decree requires the Defendants to periodically transmit status reports. The Court Order of March 26, 2003 specified that status reports be filed, beginning on July 1, 2003 on a quarterly basis. Quarterly reports for the period ending July 1, 2003, October 1, 2003, January 1, 2004, May 1, 2004, July 1, 2004, October 1, 2004, January 1, 2005, April 1, 2005,

July 1, 2005, October 1, 2005, January 1, 2006, April 1, 2006, July 1, 2006, October 1, 2006, and January 1, 2007 were timely filed with the Court and US Department of Justice.

### **History and Progress**

[2] The Consent Decree was executed on February 25, 1999. Following a period of nearly four years, the parties reviewed the status of the Consent Decree. Concerns arose about the focus and reporting of compliance efforts. To address these concerns and improve future performance, the Commonwealth proposed a change in reporting from reporting once every six months to once per quarter.

[3] The old juvenile detention facility has been closed and the new Kagman Facility opened for operations in the spring of 2004<sup>1</sup>. It has consistently operated in substantial compliance with provisions of the Consent Decree. The population has generally averaged about 7 juveniles per day, substantially below the facility's rated capacity of 40.

[4] A new adult correctional facility has been constructed at an investment of approximately \$23M. It is now substantially completed. Occupancy continues to be planned for June 1, 2007.

### **Current Quarter**

[5] During this quarter, the Commonwealth continued<sup>2</sup> work on the range of issues related to the Consent Decree: existing prison operations, transition to new prison facility, juvenile facility operations, VOI-TIS grant management to address needed renovation at the Rota Detention Facility and Tinian Detention Facility.

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<sup>1</sup> Notwithstanding substantial compliance of the Kagman Facility for a period in excess of one year, the current plan of the Commonwealth is to seek overall closure of the Consent Decree after the new prison is fully operational.

<sup>2</sup> Weekly meetings of the Prison Working Group have been discontinued due to the assignment of the Consent Decree Coordinator to the Criminal Division and resulting Court appearances that make scheduled meetings very difficult to schedule. In its place, ad hoc meetings are held as needed. Quarterly reporting and review systems remain in place.

**Department of Corrections<sup>3</sup>**

[6] The population of the Department of Corrections has been approximately 130 during the quarter.

[7] Recruitment and training of new staff is now in process. Supplemental Department of Corrections report information will include:

- Current staff level
- Projected staff level
- Comparison between projected staff level and October, 2005 staffing plan

[8] The memorandum of agreement between the Department of Corrections and the Department of Public Health is a subject of ongoing discussion and implementation. DOC Commissioner Lino Tenorio and DPH Secretary Joseph K. Villagomez and agency staff are seeking to hire of medical staff with prison experience. As an outgrowth of these discussions and in light of two criminal defendants recently found incompetent to stand trial (but dangerous to themselves or others), both agencies (and the Division of Youth Services) are exploring the creation of a forensic unit. Given the security limitations of the existing Commonwealth Health Center, plans are focused on using a portion of the new prison for this purpose. Prior Coordination with the US Department of Justice will occur prior to the use of the new prison for the purpose of housing individuals in a forensic unit. Supplemental report information will include:

- Implementation status report on DOC / DPH Memorandum of Agreement
- Plans related to forensic unit

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<sup>3</sup> Information on the Department of Corrections is in the process of preparation and will be submitted on or before May 1, 2007.

**Division of Youth Services<sup>4</sup>**

[9] The population housed in the Kagman Facility continues to average 6 or 7<sup>5</sup>. Overall, the facility continues to operate in substantial compliance with requirements of the Consent Decree.

[10] The Division of Youth Services is seeking to better make use this \$5M facility. Possible use of Building "B" as a half way house is under review. Prior to any occupancy, coordination with the US Department of Justice will occur as was previously done when Building "B" was used to house immigration detainees.

**VOI-TIS Grant / Renovation of Rota and Tinian Facilities**

[11] A contract to renovate the Rota Detention Facility and the Tinian Detention Facility was issued and some work has been completed. Preliminary project status and progress information has been obtained from the Department of Public Works (DPW). DPW staff estimate approximately 70% of needed Consent Decree renovations has been completed. Review of the status of remaining work is in process. Coordination with the US Department of Justice on this project will continue.

**CONCLUSION**

[12] The financial constraints facing the Commonwealth are severe and significant. Notwithstanding this challenge, the CNMI intends to continue its progress and efforts to maintain and improve compliance with the Consent Decree and, at an appropriate time, seek closure of the case.

Respectfully submitted,

  
Edward T. Buckingham

Consent Decree Coordinator / Attorney for Defendants

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<sup>4</sup> Information on the Division of Youth Services is in the process of preparation and will be submitted on or before May 1, 2007.

<sup>5</sup> There are periodic weekend arrests that result in an increase to 15 – 17. However, the juveniles involved are typically released from custody in a matter of a day or two and do not remain within the Kagman Facility.

**Certificate of Service**

The undersigned hereby certifies that the US Postal Service sent a true and correct copy of this STATUS REPORT to the following:

Laura L. Coon, Trial Attorney  
Special Litigation Section – PHB  
950 Pennsylvania Avenue N.W.  
Washington, DC 20530

DATED: April 1, 2007

By:

  
Edward T. Buckingham